IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST MARCH, 2007 / 10TH PHALGUNA, 1928

WA.No. 555 of 2007
(AGAINST THE INTERIM ORDER IN WPC.3728/2007 DATED 2.2.2007)
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APPELLANTS/PETITIONERS:
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1. M/S.DREAMS HABITAT PVT. LTD.,
   REP.BY ITS MANAGING DIRECTOR T.C.KURIEN,
   THENGUMVILAYIL HOUSE, COCHIN PALACE P.O.,
   TRIPUNITHURA.

2. T.B.JAYARAJ,
   THEKKEDATH HOUSE, MARADU P.O.,
   TRIPUNITHURA, ERNAKULAM DIST.

3. T.B.SUDHAKARAN,
   FLAT NO.F3, SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

4. UMMER RAFEEQ,
   FLAT NO.F2 , SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

5. THOMAS P ABRAHAM,
   FLAT NO.F1, SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

6. ANNIE VARGHESE,
   FLAT NO.G1, SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

7. DR.L.P.BABURAJ,
   FLAT NO.S2, SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

8. SURAJ.P.R.,
   FLAT NO.S1, SREEDEVI GARDENS II,
   SOCIETY ROAD, MARADU.

BY ADV. SRI.P.NARAYANAN
SRI.SOJAN JAMES

RESPONDENTS:
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1. THE STATE OF KERALA,
   REP.BY SECRETARY (TAXES),
   SECRETARIAT, TRIVANDRUM.

2. THE TAHASILDAR, (ASSESSING AUTHORITY
   UNDER THE BUILDING TAX ACT), KANYANNUR TALUK,
   ERNAKULAM.

BY GOVERNMENT PLEADER FOR TAXE SRI.MATHEW.G.VADAKKEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/03/2007,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

W.A. NO. 555 OF 2007

Dated this the 1st day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

We find no error in the interim order passed by the learned Single Judge in W.P.(C) No.3728 of 2007. All the same, we permit the appellants/petitioners to pay the amount as per Ext.P5 demand notice. Appellants submit that they could not pay the first instalment which was to be paid on 20.1.2007. Let the appellants pay the first and second instalments on 20th April, 2007. Rest of the instalments have to be paid as per Ext.P5, failing which it is open to the respondents to initiate recovery proceedings against the appellants. The interim order granted by the learned Single Judge is modified accordingly.

Without expressing any opinion on the merits of the case, the writ appeal is disposed of.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007